

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

In re:	)	Case No. 09-53182-659
	)	Chapter 13
Richard Paul Walther, Jr.,	)	
Julie Marie Walther,	)	
Debtors,	)	
	)	
DCFS USA, L.L.C.,	)	
Movant,	)	Response Due: March 22, 2010
v.	)	Hearing Date: March 29, 2010
	)	Hearing Time: 10:00 a.m.
Richard Paul Walther, Jr.,	)	Location: Court Room 7 North
Julie Marie Walther,	)	
Debtors,	)	
	)	
and	)	
John V. LaBarge, Jr., Trustee,	)	
Respondents.	)	

**NOTICE OF HEARING AND MOTION FOR RELIEF FROM AUTOMATIC STAY**

PLEASE TAKE NOTICE that the undersigned will move before the Honorable Kathy A. Surratt-States in the United States Bankruptcy Court, Thomas F. Eagleton Courthouse, 111 S. 10th Street, 7<sup>th</sup> Floor, North Courtroom, St. Louis, Missouri 63102 on **March 29, 2010 at 10:00 a.m.**, or as soon thereafter as counsel can be heard, for an order on the underlying motion for relief from automatic stay.

**Any response must be filed with the Court by the 22<sup>nd</sup> day of March, 2010 and served upon the undersigned.**

**FAILURE TO FILE A RESPONSE TO THE MOTION WITHIN SEVEN (7) DAYS BEFORE HEARING DATE MAY RESULT IN A DEFAULT ORDER BEING GRANTED.**

**COMES NOW**, DCFS USA, L.L.C. (“DCFS”), by and through its attorneys, and moves the Court for relief on the following grounds:

1. On the date of the filing of this bankruptcy proceeding, DCFS was owed at least \$30,544.44, in unpaid principal, secured by a 2004 Volvo VNL780, VIN: 4V4NC9TH94N364174.

2. Debtors entered into a retail installment contract on April 3, 2007. DCFS perfected its lien on April 3, 2007, evidenced by a certificate of title.

3. The vehicle was worth at least \$20,275.00 at the time of filing.

4. Debtors’ Plan provides for surrender of the vehicle to DCFS.

5. DCFS requests that any order modifying the stay be effective immediately as allowed under Federal Bankruptcy Rule 4001(a)(3).

**WHEREFORE**, DCFS respectfully requests that the Court lift the automatic stay of 11 U.S.C. §362 as to the vehicle described above, that the vehicle be abandoned from the estate, that any Order modifying the stay be effective immediately as allowed under Federal Bankruptcy Rule 4001(a)(3), and that the Court enter such further relief as is proper.

Respectfully submitted,  
RIEZMAN BERGER, P.C.

By: /s/ Angela R. Collins  
Angela R. Collins, #57587, #551280  
7700 Bonhomme Avenue, 7th Floor  
St. Louis, Missouri 63105  
(314) 727-0101 phone  
(314) 727-1086 fax  
Attorney for DCFS

### **CERTIFICATE OF SERVICE**

A copy of the foregoing Notice of Hearing and Motion for Relief from Stay was mailed, first class postage prepaid, or as otherwise applicable, served via electronic means to the following on the 1<sup>st</sup> day of March, 2010:

Richard Paul Walther, Jr.  
1035 Delmar Ave.  
Union, MO 63084  
DEBTOR

John V. LaBarge, Jr.  
P.O. Box 430908  
St. Louis, MO 63143  
CHAPTER 13 TRUSTEE

Julie Marie Walther  
1035 Delmar Ave.  
Union, MO 63084  
DEBTOR

Office of the United States Trustee  
111 South Tenth Street, Suite 6353  
St. Louis, MO 63102

William M. Spieler  
1 South Oak Street  
Union, MO 63084-1817  
ATTORNEY FOR DEBTORS

**/s/ Angela R. Collins**

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	)	
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**EXHIBIT SUMMARY**

Pursuant to L.R. 9040-1, the following exhibits are referenced in support of the Motion to Lift Stay filed by DaimlerChrysler Services of North America, L.L.C.. Copies of these exhibits are mailed to the parties in interest.

1. Retail installment contract dated April 3, 2007.
2. Certificate of Title.

Respectfully submitted,  
RIEZMAN BERGER, P.C.

By: /s/ Angela R. Collins  
Angela R. Collins, #57587, #551280  
7700 Bonhomme Avenue, 7th Floor  
St. Louis, Missouri 63105  
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Debtor

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Attorney for Debtors

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**/s/ Angela R. Collins**